

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

Paul Gerald Leger,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Civil Action No.: 1:13-cv-00372-TLW
	)	
Maureen Cruz, Warden,	)	
	)	
Respondent.	)	
_____	)	

**ORDER**

Petitioner, Paul Gerald Leger, (“Petitioner”), submitted this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on February 11, 2013. (Doc. # 1).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed on April 25, 2013 by United States Magistrate Shiva V. Hodges, to whom this case was previously assigned pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). (Doc. #16). In the Report, the Magistrate Judge recommends that the District Court dismiss the petition in this matter without prejudice and without issuance and service of process. (Doc. #16). Further, the Magistrate Judge recommends that the District Court deny Petitioner’s motion to expedite the ruling in this case (Doc. #14) as moot. (Doc. #16). Petitioner filed timely objections to the Report on May 7, 2013. (Doc. #18).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636.

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, the Court has carefully reviewed, de novo, the Report and Recommendation (Doc. #16), the Petitioner's objections thereto (Doc. #18), as well as all other relevant motions, filings, and documents.

After careful consideration, **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc. #16) be, and hereby is, **ACCEPTED**. Therefore, for the reasons articulated by the Magistrate Judge, this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is **DISMISSED** without prejudice and without issuance and service of process.<sup>1</sup>

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<sup>1</sup> The Court notes that Petitioner filed a first habeas petition pursuant to § 2241 on September 14, 2011 challenging the execution of his sentence and projected release date. See Leger v. Owen, Case No. 1:11-2464. By Order and Judgment entered on August 21, 2012, this Court granted summary judgment in favor of Respondents and dismissed the first habeas action with prejudice. (Doc. #40; 41 in Case No. 1:11-2464). The Fourth Circuit Court of Appeals affirmed this Court's judgment. (Doc. #56 in Case No. 1:11-2464). The instant § 2241 petition challenges the same projected release date as was challenged in the first petition. Accordingly, the instant case is additionally dismissed with prejudice for the reasons articulated in this Court's previous Order dismissing Petitioner's first habeas petition. (Doc. #40 in Case No. 1:11-2464). A district court may take judicial notice of materials in the court's own files from prior proceedings. See Colonial Penn Ins. Co. v. Coil, 887 F.2d 1236, 1239 (4th Cir. 1989).

**IT IS FURTHER ORDERED** that Petitioner's Motion to Expedite (Doc. #14), Motion to Compel (Doc. #21), Motion for Discovery (Doc. #22), second Motion to Compel (Doc. #24), and second Motion for Discovery (Doc. #25) be, and hereby are, rendered **MOOT**.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
TERRY L. WOOTEN  
Chief United States District Judge

February 7, 2014  
Columbia, South Carolina